

UNITED STATES DISTRICT COURT

EASTERN District of NEW YORK

UNITED STATES OF AMERICA

v.

Pedro Gautier Espada

JUDGMENT IN A CRIMINAL CASE

Case Number: CR-10-985(S-4)(-1)(FB)

USM Number: 78763-053

Sabrina Schroff, Esq. 52 Duane St., 10th Fl. New York,
NY 10007

Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) ONE AND TWO OF A SUPERSEDING MISDEMEANOR INFORMATION☐ pleaded nolo contendere to count(s)
which was accepted by the court.☐ was found guilty on count(s)
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
T. 18 U.S.C. 641	THEFT OF PUBLIC FUNDS		1(S-4)
T. 26 U.S.C. 7203	FAILURE TO FILE A TAX RETURN		2(S-4)

The defendant is sentenced as provided in pages 2 through _____ of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) _____☒ Count(s) ALL OPEN COUNTS ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

JUNE 18, 2013

Date of Imposition of Judgment

/s/ Judge Frederic Block

Signature of Judge

FREDERIC BLOCK, U.S.D.J.

Name and Title of Judge

Date

DATE

DOUGLAS C. PALMER

BY

CLERK

DEPUTY CLERK

Judgment — Page _____ of _____

DEFENDANT: Pedro Gautier Espada
CASE NUMBER: CR-10-985(S-4)(-1(FB))

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a
SIX (6) MONTHS ON COUNTS ONE 1(S-4) & TWO 2(S-4) OF THE

SUPERSEDING MISDEMEANOR INFORMATION. THE SENTENCE IMPOSED ON EACH COUNT SHALL RUN
CONCURRENTLY TO EACH OTHER FOR A TOTAL TERM OF SIX (6) MONTHS OF INCARCERATION.

☐ The court makes the following recommendations to the Bureau of Prisons:

☐ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____

☐ as notified by the United States Marshal.

☒ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☒ before 2 p.m. on AUGUST 23, 2013

☒ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

a _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Pedro Gautier Espada
CASE NUMBER: CR-10-985(S-4)(-1(FB))

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

ONE (1) YEAR ON EACH COUNTS 1(S-4) & 2(S-4) OF THE SUPERSEDING MISDEMEANOR INFORMATION. .
THE TERM IMPOSED ON EACH COUNT SHALL RUN CONCURRENTLY TO EACH OTHER FOR A TOTAL TERM OF
ONE (1) YEAR OF SUPERVISED RELEASE.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. *(Check, if applicable.)*
- ☐ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. *(Check, if applicable.)*
- ☐ The defendant shall cooperate in the collection of DNA as directed by the probation officer. *(Check, if applicable.)*
- ☐ The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. *(Check, if applicable.)*
- ☐ The defendant shall participate in an approved program for domestic violence. *(Check, if applicable.)*

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment; or if such prior notification is not possible, then within forty eight hours after such change;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: Pedro Gautier Espada
CASE NUMBER: CR-10-985(S-4)(-1(FB))

SPECIAL CONDITIONS OF SUPERVISION

- 1) THE DEFENDANT SHALL REPAY ANY OWED IRS TAXES FROM THE YEARS 2004 THRU 2011.
- 2) THE DEFENDANT SHALL MAKE FULL FINANCIAL DISCLOSURES TO THE PROBATION DEPARTMENT.
- 3) THE DEFENDANT SHALL PARTICIPATE IN FULL-TIME EDUCATIONAL OR VOCATIONAL TRAINING, OBTAIN FULL-TIME EMPLOYMENT, OR A COMBINATION OF PART-TIME VOCATIONAL OR EDUCATIONAL TRAINING AND PART-TIME EMPLOYMENT
- 4) THE DEFENDANT SHALL COMPLETE 100 HOURS OF COMMUNITY SERVICES AS DIRECTED BY THE PROBATION DEPARTMENT.
- 5) THE DEFENDANT SHALL SERVE SIX (6) MONTHS IN HOME CONFINEMENT WITH ELECTRONIC MONITORING AS DIRECTED BY THE PROBATION DEPARTMENT. THE DEFENDANT SHALL PAY THE COSTS OF SUCH MONITORING.
- 6) THE DEFENDANT SHALL COMPLY WITH THE RESTITUTION ORDERED IN THIS JUDGMENT.

DEFENDANT: Pedro Gautier Espada
CASE NUMBER: CR-10-985(S-4)(-1(FB))

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 50.00	\$ 00.00	\$ 16,616.00

☒ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
INTERNAL REVENUE SERVICES (IRS) ATTN.: MAIL STOP 6261 RESTITUTION 333 WEST PERSHING AENUE KANSAS CITY, MISSOURI 64108		\$988.00	
TO BE DETERMINED		15,628.00	

TOTALS	\$ _____	\$ _____	\$16,616.00
--------	----------	----------	-------------

☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☒ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☒ the interest requirement is waived for the ☐ fine ☒ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: Pedro Gautier Espada
CASE NUMBER: CR-10-985(S-4)-1(FB)

ADDITIONAL TERMS FOR CRIMINAL MONETARY PENALTIES

ALL RESTITUTION IS DUE IMMEDIATELY TO THE CLERK OF THE COURT, WITH PAYMENTS GOING TO THE I.R.S. FIRST AND THERE AFTER TO ANY SUBSEQUENTLY DETERMINED VICTIMS.